
CITY OF KELOWNA

MEMORANDUM

Date: August 28, 2008
To: City Manager
From: Licence and Bylaw Enforcement Supervisor
Subject: Bylaw enforcement on Arterial Highways

RECOMMENDATION:

THAT Bylaw No. 10071 being Amendment No. 12 to Traffic Bylaw No. 8120 be advanced to Council for reading consideration.

AND THAT final adoption of Bylaw No. 10071 be considered subsequent to the approval of the Minister of Transportation and Infrastructure.

BACKGROUND:

The City of Kelowna has been in consultation with the Ministry of Highways regarding our interest in partnering with them on joint enforcement practices and particularly being authorized to enforce specific sections of the City of Kelowna Traffic Bylaw on arterial highways – i.e. those portions of Highways 33 and 97 that are within the City boundaries. The City of Kelowna and local Ministry of Highways have conducted a number of sessions to reach a mutual consensus on enforcement of specific sections of our Traffic Bylaw that would be acceptable and not ultra vires to their regulations. The Joint Enforcement concept has been well received by both agencies to date.

It was determined that amendments to the City Bylaw were required and that any amendments pertaining to the applicability of the bylaw to arterial highways requires the approval of the Minister of Transportation and Infrastructure. Ministry of Highways were prepared to recommend such changes. We also concluded that as the city continues to expand and grow in population and traffic movement that the Ministry was not able to keep up with the demand for service and that the City was prepared to partner with them in enforcement practices which would create better customer service to the general public, a more effective traffic flow of both vehicles and pedestrians, would address problematic sightlines/obstructions which interfere with traffic flow and a faster action response to problematic areas and situations on a regular basis. The City continues to receive requests for service along arterial highways for abandoned vehicles, illegal parked vehicles, transients, sightlines and vehicles parked on boulevards, sidewalks and obstructing driveways and intersections. The City is currently unable to respond to these requests as it is outside our jurisdiction and must be referred to the RCMP or Ministry of Highways.

The selected sections of the Traffic bylaw for Enforcement on Arterial Highways have been identified as:

- Section 2.3 Noise – All inclusive
- 2.4 Removal of chattels/vehicles
- Section 2.5 Snow/Rubbish Removal
- Section 3.2 Wide loads, spikes and cleats, insecure and uncovered loads
- Section 4.1 General parking prohibitions – All Inclusive
- 4.2 Handicapped Parking – All Inclusive
- Section 5.1 Highway Use Prohibitions – Track Vehicles, debris on road from MVA, materials on highway, damage to highway surface and temporary parking sign placement
- 5.2 Horse Drawn and Sightseeing permits - All Inclusive
- Section 8.1 "Sidewalk" – All Inclusive (Obstructing By Persons)
- 8.2 "Roadways" – All Inclusive for pedestrian/vehicles, liquor, loitering
- Section 9.1 Highways and Sidewalks re: cyclists, skateboards etc., safety equipment requirements – All Inclusive
- Section 10.1 All – Inclusive for offences and penalties, Right of Entry and General Default Provision.

We are requesting that Council approve and authorize City staff to proceed with further discussions with Ministry of Highways in order to achieve the necessary approvals to affect Bylaw Enforcement on Arterial Highways.

INTERNAL CIRCULATION TO:

City Clerks Office

LEGAL/STATUTORY AUTHORITY:

Community Charter
Motor Vehicle Act and Regulations

LEGAL/STATUTORY PROCEDURAL REQUIREMENTS:

Council approval
Ministry of Highways approval

Considerations that were not applicable to this report:

EXISTING POLICY:

FINANCIAL/BUDGETARY CONSIDERATIONS:

PERSONNEL IMPLICATIONS:

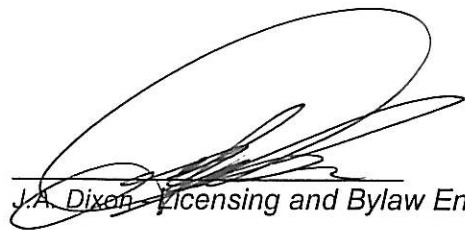
TECHNICAL REQUIREMENTS:

EXTERNAL AGENCY/PUBLIC COMMENTS:

COMMUNICATIONS CONSIDERATIONS:

ALTERNATE RECOMMENDATION:

Submitted by:



J.A. Dixon, Licensing and Bylaw Enforcement Supervisor

Approved for Inclusion:



Paul Macklem
Acting Director of Planning & Development Services